

SECOND REGULAR SESSION

HOUSE BILL NO. 1885

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAHR.

5094H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to structured family caregiving for MO HealthNet home- and community-based care.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.896, to read as follows:

- 208.896. 1. To ensure the availability of comprehensive and cost-effective choices for MO HealthNet participants to live at home in the communities of their choice and to receive support from caregivers of their choice, structured family caregiving shall be added as a covered home- and community-based waiver service in the Missouri aged and disabled adult waiver, subject to federal approval of the waiver amendments which are necessary to implement the provisions of this section.**
- 2. The addition of structured family caregiving as a covered home- and community-based waiver service in the Missouri aged and disabled adult waiver shall include:**
- (1) A choice for participants of qualified and credentialed caregivers, including family caregivers;**
 - (2) A choice for participants of community settings in which they receive structured family caregiving. A caregiver may provide structured family caregiving services in the caregiver's home or the participant's home;**
 - (3) A requirement that caregivers under this section are added to the family care safety registry and comply with the provisions of sections 210.900 to 210.936;**
 - (4) A requirement that all caregivers and organizations serving as structured family caregiving agencies are subject to the provisions of section 660.023;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(5) A requirement that all organizations serving as structured family caregiving**
19 **agencies are subject to the provisions of section 208.918;**

20 **(6) A requirement that all organizations serving as structured family caregiving**
21 **agencies are considered home- and community-based care providers and are accountable**
22 **for quality, including qualification and requalification of caregivers and homes,**
23 **professional staff support for eligible seniors, and deployment of electronic daily notes;**

24 **(7) A daily payment rate for services that is adequate to pay stipends to caregivers**
25 **and pay provider agencies for the cost of providing professional staff support as required**
26 **under this section; and**

27 **(8) Daily payment rates for structured family caregiving services shall be tier-**
28 **based, on medical necessity criteria determined by the department. The maximum daily**
29 **payment rate for structured family caregiving services shall not exceed seventy-five percent**
30 **of the daily nursing home cost cap established by the state each year.**

31 **3. (1) Within ninety days of the effective date of this section, the department of**
32 **social services shall, if necessary to implement the provisions of this section, apply to the**
33 **United States Secretary of Health and Human Services for an amendment to the aged and**
34 **disabled adult waiver for the purpose of including structured family caregiving as a**
35 **covered service for eligible home- and community-based care participants. The**
36 **department of social services shall request an effective date of not later than July 1, 2019,**
37 **and shall, by such date, take all administrative actions necessary to ensure timely and**
38 **equitable availability of structured family caregiving services for home- and community-**
39 **based care participants.**

40 **(2) Upon receipt of an approved amended waiver under subdivision (1) of this**
41 **subsection, the department of health and senior services shall promulgate rules to**
42 **implement the provisions of this section. Any rule or portion of a rule, as that term is**
43 **defined in section 536.010, that is created under the authority delegated in this section shall**
44 **become effective only if it complies with and is subject to all of the provisions of chapter**
45 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
46 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
47 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
48 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
49 **after August 28, 2018, shall be invalid and void.**

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